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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/743,578

01/12/2001

Mikio Oda

2000-1888A

5757

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7590

02/18/2004

WENDEROTH, LIND & PONACK, L.L.P.
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WASHINGTON, DC 20006-1021

EXAMINER

HARPER, V PAUL

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 02/18/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/743,578

Applicant(s)

ODA, MIKIO

Examiner

V. Paul Harper

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Specification

1. The amendment filed on 1/26/04 was not entered because it introduces new matter. The added material which is not supported by the original disclosure is as follows: "the shape of the speaker's throat (the glottis) determines a reference speech frequency" p. 2, amended ¶ [0054], lines 1-3. In this case the phrase "the shape of the speaker's throat" is equated with the parenthetical phrase "the glottis." This entry is not supported by the by the specification, and is furthermore incorrect. The glottis is not the shape of the throat; additionally, it is the rate of the opening and closing of the glottis that determines pitch not the shape of the glottis.

Response to Arguments

2. The arguments presented by the applicant are similar in scope to those presented previously and are not considered persuasive.

3. Applicant asserts on page 4:

With regard to the above statements included in the Office Action, it is noted that claim 1 specifically recites pitch difference determination means for determining a pitch difference between input speech and speech recognition reference data, and pitch change means for changing, based on the pitch difference determined by the pitch difference determination means, a frequency of the input speech to make the pitch of the input speech have a predetermined relationship with the pitch of the speech recognition reference data. Therefore, it is apparent that the present invention recited in claim 1 changes the frequency of input speech based on the pitch difference between the input speech and speech recognition reference data and has no relation with an error rate that is generated after voice recognition is attempted, as is the case with Munsell. Further,

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with regard to the indication that the pitch differences are reduced as the error rate is reduced, it is unclear how this relates to claim 1, *since the pitch difference recited in claim 1 is determined between the input speech and the speech recognition reference data and is not based on an error rate generated after voice recognition processing.* As a result, Munsell fails to disclose or suggest the present invention as recited in claim 1. (Italics added)

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the pitch difference is not based on the error rate generated *after* voice recognition) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As argued in the final rejection, Munsell et al. teach that the pitch difference determines the error rate and the error rate is used to reduce the pitch difference (Fig. 1 and Fig. 2, col. 4, lines 55-60) so the error rate is the means of "determining a pitch difference between the input speech and speech recognition reference data," and the **control signal / rate control circuit** (Fig. 2, items 30 and 28) alters the pitch based on this error which is the means "for changing ... a frequency of the input speech to make the pitch of the input speech have a predetermined relationship with the pitch of the speech recognition reference data."

Conclusion

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks

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P.O. Box 1450
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or faxed to:

(703) 872-9314

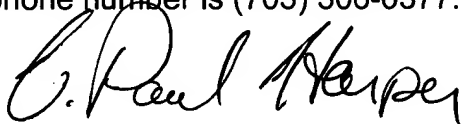
Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.



VPH/vph
February 9, 2004



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER